Carriers—Duty to Protect Passenger against Public Officer.—In Clark *v.* Norfolk, etc., Ry. Co., 100 S. E. 480, the Supreme Court of Appeals of West Virginia held that although a carrier is obliged to use reasonable diligence to protect its passengers against unlawful assaults by other passengers, its own servants, and third persons, its servants are under no duty to resist or interfere with a known officer in making an arrest of a passenger, unless they know or by reasonable diligence ought to know that the arrest is unlawful; neither are they bound to make inquiry into such known officer's authority.

The court said: "A passenger train is not intended as a place of refuge for criminals, and unless a passenger is arrested for an offense of which the carrier's agent knew, or by proper diligence ought to have known, he is not guilty, he is not obliged to interfere or protest against the arrest. The rule, however, is different where the carrier's servants know, or by the exercise of proper diligence ought to know, that the arrest of the passenger is unlawful, as was the case in Anania *v.* Norfolk & Western Ry. Co., 77 W. Va. 105, 87 S. E. 167, L. R. A. 1916C, 439.

"In Bowden *v.* Atlantic Coast Line Ry. Co., 144 N. C. 28, 56 S. E. 558, 12 Ann. Cas. 783, it appears that plaintiff ran away with a 16 year old girl for the purpose of marrying her. They were passengers on defendant's train. In response to a telegram from a brother of the girl to the chief of police of Jacksonville, N. C., notifying him that the parties had eloped, the moment the train arrived at Jacksonville he boarded the train to make the arrest. Apprehending his arrest, plaintiff, without the knowledge of the conductor, took refuge in the water closet and bolted the door on the inside. The officer demanded the key of the conductor, and he instructed the porter to deliver it to the officer. Finding he could not open the door with the key, the officer presented his pistol through the window of the closet, and compelled plaintiff to unbolt the door and surrender. He then took the couple from the train. The court held the carrier not liable, and in its opinion says that plaintiff having concealed himself in the closet without the knowledge of the conductor, the fact that the conductor surrendered the key is no evidence of a purpose to aid and abet the officer, nor is the fact that the train remained at the station a few minutes longer than usual any evidence of the conductor's intent to aid the officer in making the arrest. Says the court:

'The most that can be said is that the conductor did not resist the officers in executing their purpose to arrest plaintiff. It is not the duty of a conductor to resist a known officer of the law in making an arrest.'

"In this case the brakeman's advice to plaintiff to 'go ahead off, if he said it, which the brakemen all deny, and plaintiff was not

able to identify the person who, he says, told him, is not evidence of any intent to aid the officers. According to plaintiff's testimony, the request was made simply to avoid further trouble. There is no evidence whether or not defendant's servants knew that plaintiff's suit case was properly labeled as containing whisky, or that they knew why the officers ejected him from the car. Knowing that they were officers, the defendant's agents were under no duty to inquire into the legality of their acts. The following authorities are in point and support the principles announced in this opinion: 4 R. C. L. 1194; 10 C. J. 908; Nashville, C. & St. L. R. Co. *v.* Crosby, 183 Ala. 237, 62 South. 889; Louisville & Nashville R. Co. *v.* Byrley, 152 Ky. 35, 153 S. W. 36, Ann. Cas. 1915B, 240; Brunswick & Western R. Co. *v.* Ponder, 117 Ga. 63, 43 S. E. 430, 60 L. R. A. 713, 97 Am. St. Rep. 152; and Thompkins *v.* M., K. & T. Ry. Co., 211 Fed. 391, 128 C. C. A. 1, 52 L. R. A. (N. S.) 791.

"Counsel for plaintiff insist that I. W. Clark, although appointed by the governor of the state, was a special agent of the railway Company, and assisted the officers in ejecting plaintiff and other passengers from the train. Said Clark was not acting as agent of the railway company on this occasion. He swears he was deputized by Mr. Keadle and Mr. Slater, the prohibition officers, to assist them, and his testimony is not denied. He was acting outside of his duty to the railway company and as a deputized officer, and his assistance in expelling plaintiff constitutes no ground of liability on defendant."

Health—Compulsory Examination for Venereal Diseases.—In Wragg *v.* Griffin, 170 N. W. 400 the Supreme Court of Iowa held that a rule of a board of health directing officers to make such examinations of persons reasonably suspected of having syphilis or gonorrhea as may be necessary to carry out the health regulations, and making it the duty of the mayor to have suspected persons investigated, does not authorize the board of health to deprive one suspected of venereal disease of his liberty for the purpose of compelling the extraction of blood from his veins in search of evidence of the disease.

The court said in part: "The respondents place special emphasis on that part of the rules of the state board to which we have already referred, where it is made the duty of the mayor to direct the chief of police to cause persons suspected of being diseased, 'to be investigated,' and authorizing health officers in such cases 'to make examinations' of suspected persons, and to detain them as long as it may be necessary to determine whether they are so afflicted. But even here there is an entire absence of any express authority to subject a suspected person to an examination by physical